



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Continuation of Application of Neville *et al.*

Serial No. 09/389,565

Filed: September 3, 1999

For: "AN IMMUNOTOXIN
WITH IN VIVO T CELL
SUPPRESSANT ACTIVITY AND
METHODS OF USE"

Examiner: G.R. Ewoldt, Ph.D.

Art Unit: 1644

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AMENDMENT

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Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
May 7, 2002

Sir:

This Amendment under 37 C.F.R. § 1.116 is responsive to the Office Action dated January 18, 2002, which was considered final. Enclosed with this Amendment is the Declaration of David M. Neville, Jr. under 37 C.F.R. § 1.132 and with two of the inventors' own manuscripts attached thereto as Exhibits. Also filed concurrently is a one-month extension of time and a Credit Card Payment Form (PTO-2038) in the amount of \$110.00, the required fee therefor.

IN THE CLAIMS

Please cancel claims 21-29 and 34-36 without prejudice.

Please replace claims 30-33 and 38-42 with new claims 30-33 and 38-42 as follows:

30. (Amended) A fusion immunotoxin comprising a single chain variable region of an anti-CD3 antibody linked to a toxin moiety, wherein the anti-CD3 antibody is UCHT1 and wherein the diphtheria toxin moiety is a truncation of native diphtheria toxin at the carboxy terminus.

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